THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17770 OF 1994

Date 29.12.2006

Between:
Ch.Venkat Reddy, S/o.Saheb.

..... PETITIONER

AND

The A.P.S.E.B., Vidyut Soudha, Khairatabad, Hyderabad & another.

.....RESPONDENTS

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17770 of 1994

O R D E R:

Seeking a declaration from this Court that the petitioner is

entitled for seniority from the date of his first appointment i.e. 18-07-1967 as Blue Print Operator for promotion to higher posts, the present writ petition is filed.

The petitioner joined the service of the respondent as a Blue Printer under the work charge establishment in the Upper Sileru Hydro Electric Project on 18-07-1967. On completion of the works at Upper Sileru Project, the petitioner submitted a representation to the Superintending Engineer, Dam construction Circle, Mothugudem, on 15-07-1971 to consider his case for transfer on the ground that he had the necessary academic qualifications and experience. The Superintending Engineer issued orders in memo dated 24-07-1971 appointing the petitioner as a Civil Maistry and consequent thereto, the petitioner joined at Mothugudem on 28-07-1971. The petitioner submitted a representation on 08-05-1972 seeking that he be appointed by way of transfer and not as a fresh appointee since his services were not terminated in Upper Sileru Project and treating him as a fresh appointee would result in his foregoing his past service of four years. The petitioner was transferred from Lower Sileru Project and posted at Tekkali under the control of the Superintending Engineer, Operation Circle, Visakhapatnam, vide proceedings dated 23-06-1979. He was, thereafter, transferred to Visakhapatnam vide proceedings dated 08-06-1981.

It is necessary to note that, in the memo dated 24-07-1971, the Superintending Engineer, Dam Construction Circle, Mothugudem, informed the petitioner that his appointment as a Civil Maistry in the time scale of Rs.50-2-70 was purely temporary and did not confer on him any right for further promotion or seniority and that he was liable for termination without prior notice or assigning any reasons. The appointment of the petitioner as a Civil Maistry was as a fresh appointee and not by way of transfer. If the petitioner was not inclined to accept such an appointment, it was always open to

him to work in the Upper Sileru Project. Having chosen to accept the appointment as a Civil Maistry, vide memo dated
24-07-1971, it is not open to the petitioner, after a lapse of more than two decades, to contend that his service as a Blue Print Operator in the Upper Sileru Project from 1967 to 1971 should also be reckoned for the purpose of promotion to higher posts.

The Writ Petition as filed is devoid of merits and is accordingly dismissed. There shall be no order as to costs.

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29-12-2006

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